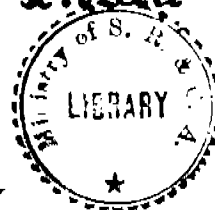


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No. 57] NEW DELHI, FRIDAY, DECEMBER 16, 1960/AGRAHAYANA 25, 1882

LOK SABHA

The following Bills were introduced in Lok Sabha on the 16th December, 1960:—

*BILL No. 91 OF 1960

A Bill to provide for the merger into the States of Assam, Punjab and West Bengal of certain territories acquired in pursuance of the agreements entered into between the Governments of India and Pakistan and for matters connected therewith.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. This Act may be called the Acquired Territories (Merger) Act, Short title. 1960.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “acquired territories” mean so much of the territories comprised in the Indo-Pakistan agreements and referred to in the First Schedule as are demarcated for the purpose of being acquired by India in pursuance of the said agreements;

(b) “appointed day” means such date as the Central Government may, by notification in the Official Gazette, appoint for the merger of the acquired territories under section 3, after causing the territories to be so acquired demarcated for the purpose, and different dates may be appointed for the merger of such territories into different States;

*The President has, in pursuance of article 3 and clause (3) of article 117 of the constitution of India, recommended to Lok Sabha the introduction and consideration of the Bill.

(c) "assembly constituency", "council constituency" and "parliamentary constituency" have the same meanings as in the Representation of the People Act, 1950;

43 of 1950.

(d) "Indo-Pakistan agreements" mean the Agreements dated the 10th day of September, 1958, the 23rd day of October, 1959 and the 11th day of January, 1960 entered into between the Governments of India and Pakistan, the relevant extracts of which are set out in the Second Schedule;

(e) "law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or in any part of the acquired territory;

(f) "sitting member", in relation to either House of Parliament or of the Legislature of a State, means a person who, immediately before the appointed day, is a member of that House;

(g) "State concerned", in relation to the acquired territories referred to in Part I, Part II and Part III of the First Schedule, means, respectively, the State of Assam, the State of Punjab and the State of West Bengal; and "State Government concerned" shall be construed accordingly;

(h) "Union purposes" mean the purposes of Government relatable to any of the matters mentioned in List I of the Seventh Schedule to the Constitution.

Merger of
acquired
territories.

3. (1) As from the appointed day, the acquired territories referred to in Part I, Part II and Part III of the First Schedule shall, respectively be included in, and form part of, the States of Assam, Punjab and West Bengal.

(2) As from the appointed day, the State Government concerned shall, by order in the Official Gazette, provide for the administration of the acquired territories included in that State by including them or any part of them in such district, sub-division, police station or other administrative unit as may be specified in the order.

Amendment
of the First
Schedule to
the Consti-
tution.

4. As from the appointed day, in the First Schedule to the Constitution,—

(a) in the paragraph relating to the territories of the State of Assam, after the words "the Assam Tribal Areas", the words, figures and brackets "and the territories referred to in Part I of the First Schedule to the Acquired Territories (Merger) Act, 1960" shall be inserted;

(b) in the paragraph relating to the territories of the State of Punjab, after the words and figures "the States Reorganisation Act, 1956", the words, figures and brackets "and the territories referred to in Part II of the First Schedule to the Acquired Territories (Merger) Act, 1960" shall be inserted;

(c) in the paragraph relating to the territories of the State of West Bengal, after the words, brackets and figures "the Bihar and West Bengal (Transfer of Territories) Act, 1956", the words, figures and brackets "and the territories referred to in Part III of the First Schedule to the Acquired Territories (Merger) Act, 1960" shall be inserted.

5. As from the appointed day,—

(a) any reference in the Delimitation of Parliamentary and Assembly Constituencies Order, 1960.—

Construction of references to existing constituencies.

(i) to the State of Assam or Punjab or West Bengal, shall be construed as including that part of the acquired territory which is included in that State;

(ii) to any district, sub-division, police station or other administrative unit, shall be construed as including that part of the acquired territory, if any, which is included in that district, sub-division, police station or other administrative unit, by order made under sub-section (2) of section 3;

(b) any reference in the Delimitation of Council Constituencies (Punjab) Order, 1951—

(i) to the State of Punjab, shall be construed as including that part of the acquired territory which is included in that State;

(ii) to any district, shall be construed as including that part of the acquired territory, if any, which is included in that district, by order made under sub-section (2) of section 3;

(c) any reference in the Delimitation of Council Constituencies (West Bengal) Order, 1951—

(i) to the State of West Bengal, shall be construed as including that part of the acquired territory which is included in that State;

(ii) to any division or district, shall be construed as including the acquired territory, if any, which is included in that division or district by order made under sub-section (2) of section 3.

Provision as to sitting members.

6. (1) Every sitting member of the House of the People representing any parliamentary constituency the extent of which has been altered by virtue of the provisions of this Act shall, notwithstanding such alteration, be deemed to have been elected as from the appointed day to that House by that constituency as so altered.

(2) Every sitting member of the Legislative Assembly of the State of Assam or Punjab or West Bengal representing any assembly constituency the extent of which has been altered by virtue of the provisions of this Act shall, notwithstanding such alteration, be deemed to have been elected as from the appointed day to the said Legislative Assembly by that constituency as so altered.

(3) Every sitting member of the Legislative Council of Punjab or West Bengal representing any council constituency the extent of which has been altered by virtue of the provisions of this Act, shall, notwithstanding such alteration, be deemed to have been elected as from the appointed day to the said Legislative Council by that constituency as so altered.

Property and assets.

7. (1) All property and assets within the acquired territories which, immediately before the appointed day, are vested in Pakistan or in the Province of East Pakistan or the Province of West Pakistan shall, as from that day,—

(a) where such property and assets are relatable to Union purposes, vest in the Union;

(b) in any other case, vest in the State concerned in which the acquired territories are included.

(2) A certificate of the Central Government signed by a Secretary to that Government shall be conclusive as to whether the purposes for which any property or assets are held, immediately before the appointed day, are Union purposes.

Appropriation of moneys for expenditure in acquired territories.

8. (1) As from the appointed day, any Act passed by the Legislature of the State of Assam or Punjab or West Bengal before that day for the appropriation of any moneys out of the Consolidated Fund of that State to meet any expenditure in respect of any part of the financial year 1960-61, shall have effect also in relation to the acquired territories included in that State and it shall be lawful for the State Government concerned to spend any amount in respect of those territories out of the amount authorised by such Act to be expenditure for any service in that State.

(2) The Governor of the State concerned may, after the appointed day, authorise such expenditure from the Consolidated Fund of that State as he deems necessary for any purpose or service in the acquired territories included in that State for a period of not more than three months beginning with the appointed day pending the sanction of such expenditure by the Legislature of that State.

9. All laws in force in the acquired territories immediately before the appointed day shall, as from that day, cease to be in force in those territories and all laws in force generally in the State concerned in which the acquired territories are included shall, as from that day, extend to, or as the case may be, come into force in, those territories: Extension of laws.

Provided that anything done or any action taken before the appointed day under any law in force in the acquired territories shall be deemed to have been done or taken, as from the appointed day, under the corresponding law extended to, and in force in, those territories.

10. The State Government concerned, as respects the acquired territories included in that State, may, by notification in the Official Gazette, specify the authority, officer or person who, on or after the appointed day, shall be competent to exercise such functions, exercisable under any law in force on that day in those territories, as may be mentioned in that notification and such law shall have effect accordingly. Power to name authorities for exercising statutory functions.

11. (1) If any difficulty arises in relation to the transition from any corresponding law to any law which by virtue of section 9 shall, as from the appointed day, extend to, or come into force in, the acquired territories, the Central Government may, by order notified in the Official Gazette, make such provisions as appear to it to be necessary or expedient for removing the difficulty. Power to remove difficulties.

(2) If any difficulty arises in giving effect to the provisions of this Act (otherwise than in relation to the transition from any corresponding law) or in connection with the administration of the acquired territories as a part of the State in which they are included, the State Government concerned may, by order in the Official Gazette, make such provisions not inconsistent with the purposes of this Act, as appear to it to be necessary or expedient for removing the difficulty.

(3) No power under sub-section (1) or sub-section (2) shall be exercised by the Central Government or, as the case may be, the State Government after the expiry of three years from the appointed day.

(4) Any order made under sub-section (1) or sub-section (2) may be so made as to be retrospective to any date not earlier than the appointed day.

THE FIRST SCHEDULE

[See sections 2(a), 2(g), 3 and 4]

PART I

The acquired territory in relation to item (7) of paragraph 2 of the Agreement dated the 10th day of September, 1958.

PART II

The acquired territory in relation to item (ii) and item (iii) of paragraph 1 of the Agreement dated the 11th day of January, 1960.

PART III

The acquired territory in relation to item (5) and item (10) of paragraph 2 of the Agreement dated the 10th day of September, 1958 and paragraph 4 of the Agreement dated the 23rd day of October, 1959.

THE SECOND SCHEDULE

[See section 2(d)].

1. EXTRACTS FROM THE NOTE CONTAINING THE AGREEMENT DATED THE 10TH DAY OF SEPTEMBER, 1958.

* * * * *

2. As a result of the discussions, the following agreements were arrived at:—

* * * * *

(5) 24 Parganas—Khulna }
24 Parganas—Jessore } —Boundary disputes.

It is agreed that the mean of the two respective claims of India and Pakistan should be adopted, taking the river as a guide, as far as possible, in the case of the latter dispute. (Ichhamati river).

* * * * *

(7) Piyain and Surma river regions to be demarcated in accordance with the relevant notifications, cadastral survey maps

and, if necessary, record of rights. Whatever the result of this demarcation might be, the nationals of both the Governments to have the facility of navigation on both these rivers.

* * * * *

(10) Exchange of old Cooch Behar enclaves in Pakistan and Pakistan enclaves in India without claim to compensation for extra area going to Pakistan, is agreed to.

* * * * *

Signed. (M. S. A. BAIG)
*Foreign Secretary,
Ministry of Foreign Affairs and
Commonwealth Relations,
Government of Pakistan.*

Signed. (M. J. DESAI)
*Commonwealth Secretary,
Ministry of External Affairs,
Government of India.*

NEW DELHI, SEPTEMBER 10, 1958.

2. EXTRACTS FROM THE AGREEMENT ENTITLED "AGREED DECISIONS AND PROCEDURES TO END DISPUTES AND INCIDENTS ALONG THE INDIA-EAST PAKISTAN BORDER AREAS", DATED THE 23RD DAY OF OCTOBER, 1959.

* * * * *

4. *West Bengal-East Pakistan Boundary*

Over 1,200 miles of this boundary have already been demarcated. As regards the boundary between West Bengal and East Pakistan in the areas of Mahananda, Burung and Karatoa rivers, it was agreed that demarcation will be made in accordance with the latest cadastral survey maps supported by relevant notifications and record of rights.

* * * * *

(Sd.) (J. G. KHARAS)
*Acting Foreign Secretary,
Ministry of Foreign Affairs &
Commonwealth Relations,
Karachi.*

(Sd.) (M. J. DESAI)
*Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.*

NEW DELHI,
October 23, 1959.

3. EXTRACTS FROM THE AGREEMENT ENTITLED "AGREED DECISIONS AND PROCEDURES TO END DISPUTES AND INCIDENTS ALONG THE INDO-WEST PAKISTAN BORDER AREAS", DATED THE 11TH DAY OF JANUARY, 1960.

* * * * *

"1. *West Pakistan-Punjab border*.—Of the total of 325 miles of the border in this sector, demarcation has been completed along about 252 miles. About 73 miles of the border has not yet been demarcated due to differences between the Governments of India and Pakistan regarding interpretation of the decision and Award of the Punjab Boundary Commission presented by Sir Cyril Radcliffe as Chairman of the Commission. These differences have been settled along the lines given below in a spirit of accommodation:

* * * * *

(ii) *Chak Ladheke (Amritsar-Lahore border)*.—The Governments of India and Pakistan agree that the delineation of the boundary will be as shown in the map of the Kasur Tehsil by Sir Cyril Radcliffe and Chak Ladheke will in consequence fall within the territorial jurisdiction of the Government of India.

(iii) *Ferozepur (Lahore-Ferozepur border)*.—The Governments of India and Pakistan agree that the **West Pakistan-Punjab (India)** boundary in this region is along the district boundaries of these districts and not along the actual course of the river Sutlej.

* * * * *

(Sd.) M. J. DESAI,
Commonwealth Secretary,
Ministry of External Affairs,
Government of India.

(Sd.) J. G. KHARAS,
Joint Secretary,
Ministry of Foreign Affairs and
Commonwealth Relations,
Government of Pakistan.

NEW DELHI;
January 11, 1960.

STATEMENT OF OBJECTS AND REASONS

Agreements between the Governments of India and Pakistan dated 10th September, 1958, 23rd October, 1959, and 11th January, 1960, settled certain boundary disputes between the Governments of India and Pakistan relating, *inter alia*, to the borders of the States of Assam, Punjab and West Bengal.

According to these agreements, certain territories are to be transferred to India from Pakistan after demarcation. The Bill seeks to provide for the merger into the States of Assam, Punjab and West Bengal the territories acquired in pursuance of these agreements and makes the necessary supplemental and incidental provisions relating to representation in Parliament and in the State Legislatures, the vesting of property and assets and other matters.

As required by the proviso to article 3 of the Constitution, this Bill was referred by the President to the Legislatures of the States of Assam, Punjab and West Bengal for expressing their views thereon within a stated period and the period so specified or allowed has expired.

NEW DELHI;

JAWAHARLAL NEHRU.

The 16th December, 1960.

FINANCIAL MEMORANDUM

The Bill may involve some expenditure from the Consolidated Fund of India on account of demarcation of boundaries between India and Pakistan. The demarcation, however, will be carried out by the existing officers of the Government. The amount of such expenditure is not likely to be substantial and it is not possible to give any exact figure of the amount involved at this stage.

*BILL No. 90 OF 1960

A Bill further to amend the Constitution of India to give effect to the transfer of certain territories to Pakistan in pursuance of the agreements entered into between the Governments of India and Pakistan.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Ninth Amendment) Act, 1960. Short title.

2. In this Act,—

Definitions.

(a) “appointed day” means such date as the Central Government may, by notification in the Official Gazette, appoint as the date for the transfer of territories to Pakistan in pursuance of the Indo-Pakistan agreements, after causing the territories to be so transferred and referred to in the First Schedule demarcated for the purpose, and different dates may be appointed for the transfer of such territories from different States and from the Union territory of Tripura;

(b) “Indo-Pakistan agreements” mean the Agreements dated the 10th day of September, 1958, the 23rd day of October, 1959 and the 11th day of January, 1960, entered into between the Governments of India and Pakistan, the relevant extracts of which are set out in the Second Schedule;

*The President has, in pursuance of clause (3) of article 117 of the constitution of India, recommended to Lok Sabha the consideration of the Bill.

(c) "transferred territory" means so much of the territories comprised in the Indo-Pakistan agreements and referred to in the First Schedule as are demarcated for the purpose of being transferred to Pakistan in pursuance of the said agreements.

Amendment
of the First
Schedule to
the Consti-
tution.

3. As from the appointed day, in the First Schedule to the Constitution,—

(a) in the paragraph relating to the territories of the State of Assam, the words, brackets and figures "and the territories referred to in Part I of the First Schedule to the Constitution (Ninth Amendment) Act, 1960" shall be added at the end;

(b) in the paragraph relating to the territories of the State of Punjab, the words, brackets and figures "but excluding the territories referred to in Part II of the First Schedule to the Constitution (Ninth Amendment) Act, 1960" shall be added at the end;

(c) in the paragraph relating to the territories of the State of West Bengal, the words, brackets and figures "but excluding the territories referred to in Part III of the First Schedule to the Constitution (Ninth Amendment) Act, 1960" shall be added at the end;

(d) in the paragraph relating to the extent of the Union territory of Tripura, the words, brackets and figures "but excluding the territories referred to in Part IV of the First Schedule to the Constitution (Ninth Amendment) Act, 1960" shall be added at the end.

THE FIRST SCHEDULE

[See sections 2(a), 2(c) and 3]

PART I

The transferred territory in relation to item (7) of paragraph 2 of the Agreement dated the 10th day of September, 1958, and item (i) of paragraph 6 of the Agreement dated the 23rd day of October, 1959.

PART II

The transferred territory in relation to item (i) and item (iv) of paragraph 1 of the Agreement dated the 11th day of January, 1960.

PART III

The transferred territory in relation to item (3), item (5) and item (10) of paragraph 2 of the Agreement dated the 10th day of September, 1958, and paragraph 4 of the Agreement dated the 23rd day of October, 1959.

PART IV

The transferred territory in relation to item (8) of paragraph 2 of the Agreement dated the 10th day of September, 1958.

THE SECOND SCHEDULE

[See section 2(b)]

1. EXTRACTS FROM THE NOTE CONTAINING THE AGREEMENT DATED THE
10TH DAY OF SEPTEMBER, 1958.

* * * * *

2. As a result of the discussions, the following agreements were arrived at:—

* * * * *

(3) *Berubari Union No. 12*

This will be so divided as to give half the area to Pakistan, the other half adjacent to India being retained by India. The division of Berubari Union No. 12 will be horizontal, starting from the north-east corner of Debiganj thana.

The division should be made in such a manner that the Cooch Behar enclaves between Pachagar thana of East Pakistan and Berubari Union No. 12 of Jalpaiguri thana of West Bengal will remain connected as at present with Indian territory and will remain with India. The Cooch Behar enclaves lower down between Boda thana of East Pakistan and Berubari Union No. 12 will be exchanged along with the general exchange of enclaves and will go to Pakistan.

* * * * *

(5) 24 Parganas—*Khulna* } Boundary disputes.
24 Parganas—*Jessore* }

It is agreed that the mean of the two respective claims of India and Pakistan should be adopted, taking the river as a guide, as far as possible, in the case of the latter dispute. (Ichhamati river).

* * * * *

(7) Piyain and Surma river regions to be demarcated in accordance with the relevant notifications, cadastral survey maps and, if necessary, record of rights. Whatever the result of this demarcation might be, the nationals of both the Governments to have the facility of navigation on both these rivers.

(8) Government of India agree to give in perpetual right to Pakistan the land belonging to Tripura State to the west of the

railway line as well as the land appurtenant to the railway line at Bhagalpur.

(10) Exchange of old Cooch Behar enclaves in Pakistan and Pakistan enclaves in India without claim to compensation for extra area going to Pakistan, is agreed to.

(Sd.) M. S. A. BAIG,
Foreign Secretary,
Ministry of Foreign Affairs &
Commonwealth Relations,
Government of Pakistan.

(Sd.) M. J. DESAI,
Commonwealth Secretary,
Ministry of External Affairs,
Government of India.

NEW DELHI, THE SEPTEMBER 10, 1958.

2. EXTRACTS FROM AGREEMENT ENTITLED "AGREED DECISIONS AND PROCEDURES TO END DISPUTES AND INCIDENTS ALONG THE INDO-EAST PAKISTAN BORDER AREAS" DATED THE 23RD DAY OF OCTOBER, 1959.

4. *West Bengal-East Pakistan Boundary*

Over 1,200 miles of this boundary have already been demarcated. As regards the boundary between West Bengal and East Pakistan in the areas of Mahananda, Burung and Karatoa rivers, it was agreed that demarcation will be made in accordance with the latest cadastral survey maps supported by relevant notifications and record-of-rights.

6. *Assam-East Pakistan Boundary*

(i) The dispute concerning Bagge Award III has been settled by adopting the following rational boundary in the Patharia Forest Reserve region:

From a point marked X (H522558) along the Radcliffe Line BA on the old Patharia Reserve Boundary as shown in the topographical map sheet No. 83D/5, the boundary line shall run in close proximity and parallel to the cart road to its south to a point A (H531554); thence in a southerly direction up the spur and along the ridge to a hill top marked B (H523529); thence in a south-easterly direction along the ridge down the spur across a stream to a hill top marked C (H532523); thence in a southerly direction to a point D (H530517); thence in a south-westerly direction to a flat top E (H523507); thence in a southerly direction to a point F (H524500); thence in a south-easterly direction in a straight

line to the midstream point of the Gandhai Nala marked G (H540494); thence in south-westerly direction up the mid-stream of Gandhai Nala to a point H (H533482); thence in a south-westerly direction up a spur and along the ridge to a point I (H517460); thence in a southerly direction to a point on the ridge marked J (H518455); thence in a south-westerly direction along the ridge to a point height 364 then continues along the same direction along the same ridge to a point marked K (H500428); thence in a south and south-westerly direction along the same ridge to a point marked L (H496420); thence in a south-easterly direction along the same ridge to a point marked M (H499417); thence in a south-westerly direction along the ridge to a point on the bridle path with a height 587; then up the spur to the hill top marked N (H487393); then in a south-easterly and southerly direction along the ridge to the hill top with height 692; thence in a southerly direction down the spur to a point on Buracherra marked O (H484344); thence in a south-westerly direction up the spur along the ridge to the trigonometrical survey station with height 690; thence in a southerly direction along the ridge to a point height 490 (H473292); thence in a straight line due south to a point on the eastern boundary of the Patharia Reserve Forest marked Y (H473263); along the Radcliffe Line BA.

The line described above has been plotted on two copies of topographical map sheets Nos. 83D/5, 83D/6 and 83D/2.

The technical experts responsible for the ground demarcation will have the authority to make minor adjustments in order to make the boundary alignment agree with the physical features as described.

The losses and gains to either country as a result of these adjustments with respect to the line marked on the map will be balanced by the technical experts.

* * * * *

Sd/- (J. G. KHARAS)
Acting Foreign Secretary,
Ministry of Foreign Affairs
and Commonwealth Relations,
Karachi.

Sd/- (M. J. DESAI)
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

NEW DELHI;
OCTOBER 23, 1959.

3. EXTRACTS FROM THE AGREEMENT ENTITLED "AGREED DECISIONS AND PROCEDURES TO END DISPUTES AND INCIDENTS ALONG THE INDO-WEST PAKISTAN BORDER AREAS", DATED THE 11TH DAY OF JANUARY, 1960.

"1. *West Pakistan-Punjab border*.—Of the total of 325 miles of the border in this sector, demarcation has been completed along about 252 miles. About 73 miles of the border has not yet been demarcated due to differences between the Governments of India and Pakistan regarding interpretation of the decision and Award of the Punjab Boundary Commission presented by Sir Cyril Radcliffe as Chairman of the Commission. These differences have been settled along the lines given below in a spirit of accommodation:

(i) *Theh Sarja Marja, Rakh Hardit Singh and Pathanke (Amritsar-Lahore border)*.—The Governments of India and Pakistan agree that the boundary between West Pakistan and India in this region should follow the boundary between the Tehsils of Lahore and Kasur as laid down under Punjab Government Notification No. 2183-E, dated 2nd June, 1939. These three villages will in consequence, fall within the territorial jurisdiction of the Government of Pakistan.

* * * * *

(iv) *Suleimanke (Ferozepur-Montgomery border)*.—The Governments of India and Pakistan agree to adjust the district boundaries in this region as specified in the attached Schedule and as shown in the map appended thereto as Annexure I.

* * * * *

(Sd.) M. J. DESAI,
*Commonwealth Secretary,
Ministry of External Affairs,
Government of India.*

(Sd.) J. G. KHARAS,
*Joint Secretary,
Ministry of Foreign Affairs and
Commonwealth Relations,
Government of Pakistan.*

NEW DELHI;

JANUARY 11, 1960.

STATEMENT OF OBJECTS AND REASONS

Agreements between the Governments of India and Pakistan dated 10th September, 1958, 23rd October, 1959, and 11th January, 1960, settled certain boundary disputes between the Governments of India and Pakistan relating to the borders of the States of Assam, Punjab and West Bengal, and the Union territory of Tripura.

According to these agreements, certain territories are to be transferred to Pakistan after demarcation. In the light of the Advisory Opinion of the Supreme Court in Special Reference No. 1 of 1959, it is proposed to amend the First Schedule to the Constitution under a law relatable to article 368 thereof to give effect to the transfer of these territories.

NEW DELHI;

JAWAHARLAL NEHRU.

The 16th December, 1960.

FINANCIAL MEMORANDUM

The Bill may involve some expenditure from the Consolidated Fund of India on account of demarcation of boundaries between India and Pakistan. The demarcation, however, will be carried out by the existing officers of the Government. The amount of such expenditure is not likely to be substantial and it is not possible to give any exact figure of the amount involved at this stage.

M. N. KAUL,
Secretary.